

STIP

BRIAN J. SMITH, ESQ.

State Bar Number 11279

9525 Hillwood Dr., Suite 190

Las Vegas, Nevada 89134

(702) 380-8248

brian@bjsmithcriminaldefense.com

Attorney for GUTIERREZ

UNITED STATES DISTRICT COURT

IN AND FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ARNOLD GUTIERREZ,

Defendant.

Case No.: 2:16-cr-00040-RCJ-PAL

STIPULATION TO CONTINUE
SENTENCING DATE

(FIRST REQUEST)

Certification: This stipulation is filed pursuant to General Order 2007-04.

IT IS HEREBY STIPULATED AND AGREED, by and between the defendant ARNOLD GUTIERREZ through his attorney BRIAN J. SMITH, ESQ., and the United States of America, through BRANDON JARROCH, Assistant United States Attorney, that the sentencing hearing currently scheduled for October 6, 2016, at 1:00 p.m., be vacated and continued to a date and time convenient to this court, but no event earlier than thirty (30) days.

This Stipulation is entered into pursuant to General Order 2007-04 and based upon the following:

1. GUTIERREZ is currently set for sentencing on Thursday, October 6, 2016.
2. The parties shall require a continuance of the sentencing date in order to complete their respective sentencing memoranda in the defendant's case.

3. GUTIERREZ is in custody and does not object to this continuance.

4. Denial of this request for continuance would deny the defendant sufficient time to be able to assist in his sentencing, taking into account the exercise of due diligence.

5. This is the first request for a continuance of the sentencing date in this case.

DATED this 4th day of October, 2016.

RESPECTFULLY SUBMITTED BY:

/s/ Brandon Jaroch
BRANDON JAROCH
Assistant United States Attorney

/s/ Brian J. Smith
BRIAN J. SMITH, Esq.
Attorney for GUTIERREZ

BRIAN J. SMITH, ESQ.
State Bar Number 11279
9525 Hillwood Dr., Suite 190
Las Vegas, Nevada 89134
(702) 380-8248
brian@bjsmithcriminaldefense.com
Attorney for GUTIERREZ

UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF NEVADA

| | | |
|---------------------------|---|---------------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | Case No.: 2:16-cr-00040-RCJ-PAL |
| vs. |) | |
| |) | STIPULATION TO CONTINUE |
| ARNOLD GUTIERREZ, |) | SENTENCING DATE |
| |) | |
| Defendant. |) | (FIRST REQUEST) |
| |) | |

FINDINGS OF FACT

Based upon the submitted Stipulation, and good cause appearing therefore, the Court finds that:

1. The parties shall require a continuance of the sentencing date in order to complete their respective sentencing memoranda in the defendant's case.
2. This stipulation complies with General Order 2007-04.

CONCLUSIONS OF LAW

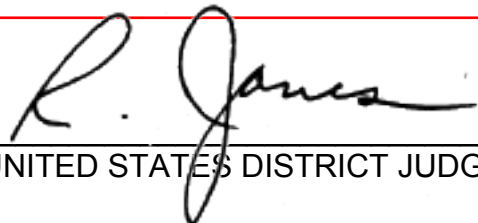
1. Denial of this request for continuance would deny GUTIERREZ the opportunity to provide substantial assistance to the Government before being sentenced in this case.
2. Denial of this request for continuance would result in a miscarriage of justice.

3. For all of the above stated reasons, the ends of justice would best be served by a continuance of the sentencing hearing date.
4. The additional time requested by the stipulation, is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).
5. This is the first request for continuance.

ORDERED

IT IS ORDERED UNDER that the sentencing hearing currently scheduled for October 6, 2016, at 1:00 p.m., be vacated and continued to _____
2:00 P.M., Thursday, December 8, 2016, in LAS VEGAS COURTROOM 4B, before
Judge Robert C. Jones.

IT IS SO ORDERED:


UNITED STATES DISTRICT JUDGE

DATED: October 5, 2016